

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5394 OF 2007

WITH

WRIT PETITION NO.5396 OF 2007

Mr.Mohanrao Mallaiah Dussa & Anr. : Petitioners
(Orig.Obstructionists)

V/s.

Smt.Sunanda R. Desai & Ors. : Respondents

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Mr.Kiran Jain i/b. M/s.Kiran Jain & Co., for the
petitioners.

Mr.G.R.Desai, respondent no.2 present in person.

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CORAM : S.A.BOBDE, J.

DATE : JULY 27, 2007.

P.C.

1. In these two Writ Petitions, the obstructionists have questioned the validity of two orders passed in the course of trial. By the first order, the learned trial Court has directed de-exhibition of certain documents on the ground that the originals have not been produced. The learned counsel for the petitioners and the respondent no.2 in person state that certain originals have been filed thereafter and the documents have been taken on record.

There is a dispute about whether the documents have been exhibited later on or not. The trial Court shall consider treating them as exhibits or otherwise. It would be appropriate, in the interest of justice, if the trial Court considers these aspects at the final hearing of the obstructionists' notice.

2. The second order pertains to refusal by the trial Court to permit the handwriting expert examined by the petitioners to photograph certain documents. The respondent no.2 in person states that when the request for photographing the documents was made, the documents were not on record. The learned counsel for the petitioners states that the documents are on record. The request to photograph the documents to enable the handwriting expert to give evidence properly and to answer questions in cross-examination is a reasonable request and is hereby allowed. However, having regard to the fact that the suit has been expedited by this Court, the petitioners are permitted to ensure that photographing of those documents shall be completed within a period of 15 days from the next date in the suit. Order accordingly.

3. Both the petitions are, accordingly, disposed of.

S.A. BOBDE, J.